

STATE OF MICHIGAN

DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #98-AP-7

The proposed annexation of
territory in Oneida Charter Township
to the City of Grand Ledge.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND CONCLUSIONS

This matter of proposed annexation of the following territory situated in Oneida Charter Township to the City of Grand Ledge and described as follows:

A PARCEL OF LAND IN THE SOUTH 1/3 OF THE EAST 3/4 OF THE NORTHEAST 1/4 OF SECTION 14, T. 4 N., R. 4 W. ONEIDA TOWNSHIP, EATON COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT DISTANT N. 89° 39' 13" W. 800.99 FEET ALONG THE EAST AND WEST 1/4 LINE OF SECTION 14 AND N. 00° 03' 32" W. 185.60 FEET FROM THE EAST 1/4 CORNER OF SECTION 14; THENCE FROM SAID POINT OF BEGINNING N. 89° 39' 56" W. 110.00 FEET; THENCE N. 54° 39' 56" W. 261.72 FEET; THENCE N. 89° 39' 56" W. 255.43 FEET; THENCE N. 00° 06' 04" W. 74.72 FEET; THENCE N. 70° 09' 26" W. 92.73 FEET; THENCE S. 00° 06' 04" E. 47.00 FEET; THENCE S. 71° 58' 24" W. 248.86 FEET; THENCE S. 88° 20' 40" W. 39.00 FEET; THENCE S. 74° 49' 38" W. 61.13 FEET; THENCE N. 79° 01' 40" W. 99.82 FEET; THENCE N. 72° 49' 27" W. 57.57 FEET; THENCE S. 62° 24' 10" W. 28.27 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14; THENCE ALONG SAID LINE N. 00° 06' 04" W. 161.31 FEET; THENCE S. 89° 39' 56" E. 400.00 FEET; THENCE N. 00° 06' 12" W. 400.00 FEET; THENCE ALONG THE NORTH LINE OF THE SOUTH 1/3 OF THE NORTHEAST 1/4 OF SECTION 14, ALSO BEING THE SOUTH LINE (IN PART), OF "WOODVIEW ESTATES" SUBDIVISION AS RECORDED IN LIBER 12, PAGE 95, EATON COUNTY RECORDS S. 89° 39' 56" E. 779.18 FEET; THENCE S. 00° 03' 32" E. 695.88 FEET TO THE POINT OF BEGINNING.

SUMMARY OF PROCEEDINGS

- A. On August 11, 1998, a petition was filed requesting the annexation of certain territory in Oneida Charter Township to the City of Grand Ledge.
- B. On September 10, 1998, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On November 11, 1998, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968, as amended.
- D. On March 11, 1999, an adjudicative meeting was held to consider the docket, and the Commission voted to postpone adjudication until April 15, 1999, to allow the parties to negotiate an agreement.
- E. On April 15, 1999, an adjudicative meeting was held to consider the docket, and the Commission voted to postpone adjudication until June 3, 1999, to allow the parties to negotiate an agreement.
- F. On June 3, 1999, an adjudicative meeting was held to consider the docket, and the Commission voted to postpone adjudication until July 8, 1999, to allow the parties to negotiate an agreement.
- G. On July 8, 1999, an adjudicative meeting was held to consider the docket, and the Commission voted to approve the annexation as petitioned subject to the City of Grand Ledge and Oneida Charter Township's execution of the agreement as presented to the Commission on July 8, 1999.

INFORMATION FROM THE RECORD

- I. The record states:
 - The proposed area consists of approximately 10 acres under construction as Independence Village retirement community and an additional 1.7 acre retention basin.
 - Construction is scheduled for completion in July of 1999.
 - Current zoning is R-M1 Multiple-Family Residential (min. lot size 4,000) and R-1B Medium Density Residential (min. lot size 7,500 sq. ft).
 - 1998 SEV = \$16,400, 1.8% of SEV for real and personal property in the Township.
 - There were no residents when the petition was filed.

2. The record shows:
 - Sewer and water service is provided in the Township by contract with the City.
 - Customers outside the City pay higher fees.
 - The Township has filed a lawsuit regarding the sewer and water contract.
3. The petitioner stated:
 - If the property is developed in the Township the estimated \$497,000 cost for sewer and water hook-up would be financed as part of the facility. It could raise the rents in excess of a thousand dollars per year for the residents.
 - The location was chosen because the health park asked Independence Village to locate there due to the proximity of the medical offices which serve senior citizens.
 - The benefit to the future residents of increased public services and the avoidance of increased water-sewerage fees outweighs the Township's loss of tax revenue.
 - Annexation will provide the property owners and future residents with enhanced police and ambulance services.
4. The City stated:
 - The City officials are extremely supportive of this annexation.
 - The City is capable of providing the level of services that the petitioner desires.
 - The issues raised in the lawsuit filed by Oneida Charter Township regarding the sewer and water contract are not determinative of the criteria the Commission bases its decision on.
 - They will provide water and sewer service whether the area is in the Township or the City.
 - The estimated cost for sewer and water connection in the Township is \$759,946.
 - The estimated cost for sewer and water connection in the City is \$262,536.
 - The difference is \$497,410.
5. The record shows that during negotiations between the City and Township the City agreed to allow petitioner to connect to water and sewer services without paying the additional costs to Township properties as provided in the sewer and water agreement.
6. The record states:
 - The Township and City have reached a tax sharing agreement under Act 7 of the Extra Session of 1967 regarding the proposed annexation area.
 - The Township, petitioner, and City agree to the annexation of the proposed area to the City.
 - As of July 8, 1999 the agreements were reached by the attorneys and representatives of the municipalities.

THE COMMISSION FINDS THAT

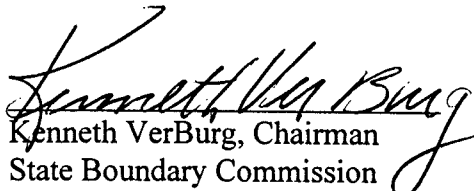
1. The petitioner requested the annexation to obtain public sewer and water services from the City to develop the property for residential use.
2. The City has the capacity and capability to provide the sewer and water services.
3. The Township does not provide water and sanitary sewer services except through an agreement with the City.
4. The proposed annexation reflects the best of the available alternatives in providing municipal services to the area.
5. There will be no effect on the Township's population as the proposed area is currently vacant.
6. The proposed annexation is suitable with regard to the natural boundaries and drainage basins.
7. The proposed annexation will not result in a substantial reduction of the Township's tax base or revenues.
8. The annexation of the proposed area will not have a deleterious effect on the broader community.
9. Provision of City water and sewer services to the proposed area would not create an inconsistency with land use patterns in the proximity.
10. The proposed annexation will result in an increase of taxes for the affected area, but the increase is relatively consistent with the services that the territory and occupants will receive.
11. The City appears to have the fiscal capacity to accommodate the added demand for services for the area.
12. The Petitioner, Township, and City have all requested the annexation of the proposed area based on the execution of the terms of an Act 7 of the Extra Session of 1967 agreement between the City and the Township.
13. The agreement has provisions for revenue sharing.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the record of this docket in accordance with the criteria

stipulated under Section 9 of Public Act 191 of 1968, as amended.

2. On July 8, 1999, State Boundary Commissioners VerBurg, Rutledge and Walker and Eaton County Boundary Commissioners Smith and Reincke held an adjudicative meeting during which:
 - Commissioners VerBurg, Rutledge, Walker, Smith and Reincke voted to recommend annexation of the subject territory as petitioned and described herein, subject to the execution of an Act 7 of the Extra Session of 1962 agreement,
 - the staff was directed to prepare draft Findings of Fact and Conclusions.
3. On September 9, 1999, Commissioners VerBurg, Rutledge, Walker and Reincke held an adjudicative meeting during which
 - the draft Findings of Fact and Conclusions was reviewed, and
 - the Commission voted to adopt the Findings of Fact and to recommend that the Director of the Department of Consumer and Industry Services sign the Order.


Kenneth VerBurg, Chairman
State Boundary Commission
November 3, 1999

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

ORDER

In the matter of:

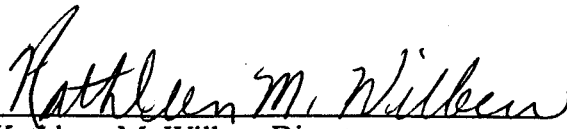
Boundary Commission
Docket #98-AP-7

The proposed annexation of
territory in Oneida Charter Township
to the City of Grand Ledge.

IT IS ORDERED THAT the described subject territory in Oneida Charter Township, Eaton County, be annexed to the City of Grand Ledge.

IT IS FURTHER ORDERED THAT these Findings of Fact and Conclusions and Order shall be effective thirty days after the date the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the State Boundary Commission shall transmit a certified copy of the Findings of Fact and Conclusions and Order to the petitioner, the Oneida Charter Township Clerk, the City of Grand Ledge Clerk, the Eaton County Clerk, and the Secretary of State.


Kathleen M. Wilbur, Director
Department of Consumer and Industry Services

Date: November 15, 1999